

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the mileage allowance for state correctional probation officers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation – Per Diem

Section 112.061, Florida Statutes, governs the per diem and travel expenses of agencies' public officers, employees, and authorized persons. Currently, travelers using privately-owned vehicles are entitled to a mileage allowance of 29 cents per mile or the common carrier fare for the travel, as determined by the agency head.

Present Situation – Correctional Probation Officers

Section 943.10(3), Florida Statutes, defines a correctional probation officer:

“A person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.”

The Department of Corrections indicates that there are approximately 2,357 correctional probation officers supervising various offenders.¹ The Department of Corrections estimates that these officers drive 436 miles per month, on average.²

Proposed Changes

The bill authorizes correctional probation officers traveling by privately owned vehicle while engaged in a law enforcement or correctional duty to receive the Internal Revenue Service business standard mileage rate.

Beginning January 1, 2006, the business standard mileage rate for the use of a car is 44.5 cents per mile.³ This new rate for business miles compares to a rate of 40.5 cents per mile for the first eight months of 2005.⁴ In September 2005, the IRS made a special one-time adjustment for the last four months of 2005, raising the rate for business miles to 48.5 cents per mile in response to a sharp increase in gas prices.⁵

¹ Fla. Dep't of Correct., HB 117 (2006) Staff Analysis (furnished Jan. 12, 2006) (on file with dep't).

² *Id.*

³ Internal Revenue Service, *IRS Announces 2006 Standard Mileage Rates*, at <http://www.irs.gov/newsroom/article/0,,id=151226,00.html> (last visited Jan. 12, 2006).

⁴ *Id.*

⁵ *Id.*

C. SECTION DIRECTORY:

Section 1 amends section 112.061, Florida Statutes, to provide for an increased mileage allowance for correctional probation officers.

Section 2 provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

According to the Department of Corrections, correctional probation officers utilized their privately owned vehicles for state business for a total 12,333,411 miles from July 1, 2004, through June 30, 2005.⁶ Reimbursement at 29 cents per mile totaled \$3,576,689.

If correctional probation officers travel the same number of miles in FY 2006-2007, and if the business standard mileage rate for the use of a car stays at 44.5 cents, this bill will require state government to expend an additional \$1,911,679 every year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

This bill does not appear to create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

There do not appear to be any other constitutional issues.

⁶ Fla. Dep't of Correct., *supra* note 1.
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B. RULE-MAKING AUTHORITY:

The bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments – House Combined Bill

Pursuant to House Rule 7.9(c), the Governmental Operations Committee will consider the introduction of a House combined bill, the substance of which will be drawn from HB 117 and HB 477.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

Not applicable.